

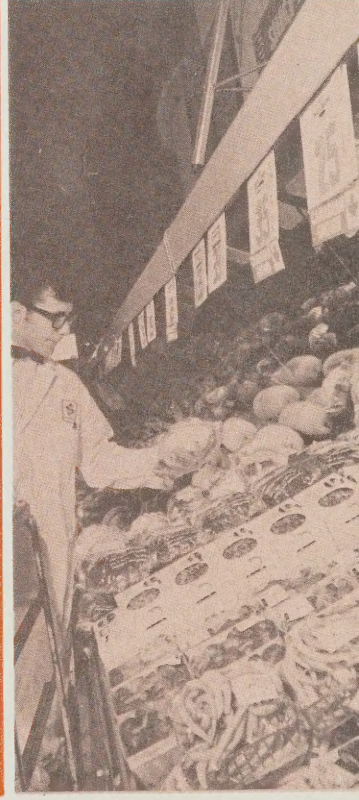
PROVINCIAL LEGISLATION

Pertinent to Agriculture

ONTARIO 1974

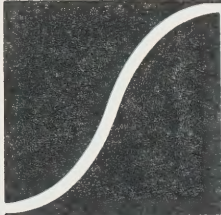
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**PROVINCIAL AGRICULTURAL LEGISLATION 1974
ONTARIO**

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Ottawa
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FOREWORD

The purpose of this publication is to provide information on the agricultural policies of the Province of Ontario, and laws affecting agriculture enacted by the Provincial Legislature. It is based on the Revised Statutes of Ontario, 1970, and on revisions and amendments in force at October 30, 1974.

These summaries are to be used solely for reference and general information. In the Statutes of Ontario, some Acts are spelled out in great detail; other Acts state no more than the general intent of the legislation. Therefore the task of providing brief and accurate synopses of each Act is hazardous, and the reader is reminded that these outlines have no legal value.


The author has attempted to distil the essence of each piece of legislation. However, when a legal opinion is required, the Statutes themselves must be consulted.

Agriculture Canada appreciates the time and effort that have been generously given by officials of the Ontario Ministry of Agriculture and Food in completing this publication.

Similar publications are in preparation for the other provinces. For information concerning comparable legislation in the federal field, consult "Federal Agricultural Legislation up to 1975", published by the Economics Branch, Agriculture Canada, Sir John Carling Building, Ottawa K1A 0C5.

This summary was prepared by A.R. Jones, assisted by E.W. Devlin.

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I. ADMINISTRATION

THE MINISTRY OF AGRICULTURE AND FOOD ACT, R.S.O. 1970, C. 109; Amendments S.O. 1972 c.1, 82 and 135

Administered by the Ministry of Agriculture and Food.

Vests control of the Ministry in the Minister and provides for programs to encourage agriculture to be established.

The Minister is charged with the direction and control of the administration of the law relating to agriculture and food in all branches and the administration of appropriations under the Ministry, and must perform any additional functions and duties assigned to him by the Lieutenant Governor in Council.

The Lieutenant Governor in Council may establish programs for the encouragement of any branch of agriculture or food, and may determine the conditions under which the services are provided by the Ministry and expenses allowed or advances payable. He may guarantee the payment of loans and interest made to farmers; define the purposes for which application may be made by farmers for any such loan; limit the amount of any individual loan to which the guarantee shall apply; and define the farmer class to whom any such loan may be made.

The Act also provides for grants, appointment and remuneration of employees, and submission of an annual report to the Lieutenant Governor in Council.

11. LAND

1. Development, Conservation and Drainage

THE AGRICULTURAL TILE DRAINAGE INSTALLATION ACT, S.O. 1972, c. 38.

Administered by the Ministry of Agriculture and Food.

Provides for the regulation and licensing of tile drainage installation operators.

The Act requires that the installers of a drainage work and the operators of machines used in installing a drainage work be licensed, and that the license be attached to and exposed on the machine. A person who installs drainage on agricultural land owned or occupied by himself is exempt from this provision.

The Agricultural Tile Drainage Licence Review Board is established.

The director may refuse to renew or may suspend or revoke a license if, after a hearing he is of the opinion that, any provision of this Act or the regulations have been contravened. An applicant or a licensee has the right to appeal to the Board. The decision of the director is effective until the appeal is disposed of.

The Lieutenant Governor in Council may make regulations prescribing standards and procedures for the installation of drainage works, and prescribing performance standards for machines used in installing drainage

(Land)

works. He may make regulations prescribing the qualifications of each class of machine operators; providing for courses of instruction and examinations and requiring license holders or applicants for a license under this Act to attend such courses and pass such examinations; respecting licensing and any other matter necessary or advisable to carry out effectively the purposes of this Act.

THE CONSERVATION AUTHORITIES ACT, R.S.O. 1970, c. 78; A.S.O. 1971, c. 64; 1972, c. 1; 1973, c. 98.

Administered by the Ministry of Natural Resources.

Grants the conservation authority certain statutory powers to enter on land, to expropriate, and to enter into agreements to carry out its projects.

For the purposes of accomplishing its objectives, the conservation authority has statutory power to enter into and upon any land and survey and make such tests as the Authority considers necessary. It has power to acquire by purchase, lease or otherwise and to expropriate any land that it may require.

Subject to the approval of the Lieutenant Governor in Council, the Authority may sell, lease or otherwise dispose of land acquired; enter into agreements with owners of private lands; and generally do all such acts as are necessary for the due carrying out of any project. Under Section 30 the Expropriations Act applies where land is expropriated by an Authority, or where land is injuriously affected by an Authority in the exercise of a statutory power.

THE DRAINAGE ACT, R.S.O. 1970, c. 136. A.S.O. 1972, c. 1.

Provides for municipally constructed drainage works paid for by the municipality which collects back the cost by levy against all benefitting owners.

When two or more owners desire to construct or improve a drainage work on their own lands, they may do so, if they are willing to pay the costs and meet the other conditions specified in this Act. Owners of lands and roads in the area requiring drainage may petition the council of the municipality for the drainage of the area.

The limit of cost is set at \$2,500. Only land lying within 150 rods of the drainage works may be assessed where an owner requisitions for construction of a drainage works.

Provincial grants are available in respect of assessments made under this Act on lands used for agricultural purposes, provided the drainage works were undertaken and the engineer's report has been adopted in accordance with this Act. The Minister may pay a grant of one third of the assessments eligible in a county or two thirds in a municipality, in a territorial district, or a provisional county. This grant is payable to the Treasurer of the municipality and must be applied to reduce the assessments on each parcel of land.

(Land)

FIRE GUARDIANS ACT, R.S.O. 1970, c. 171.

Administered by the Ministry of Treasury, Economics and Intergovernmental Affairs.

Limits the time during which combustible materials may be burned.

A township council may, by by-law, provide that the period April 1 to October 31 be one within which no person, without having first obtained permission from a fire guardian, shall set out fire or set fire to any brush heap or other combustible material in any field or place where the fire would be likely to spread.

PUBLIC LANDS ACT, R.S.O. 1970, c. 380; A.S.O. 1971 c. 46; 1972 c. 4 and c. 29.

Administered by the Ministry of Natural Resources.

The provisions of this Act of importance to agriculture pertain to the sale and lease of crown land for agricultural purposes.

The power necessary to acquire, sell, lease and manage public lands is vested in the Ministry of Natural Resources under this Act.

A Public Agricultural Lands Committee is authorized. Its functions are to recommend to the Minister areas of land that are suitable for sale or lease for agricultural purposes, with measures for their development; and to consider applications to acquire land for agricultural purposes. The Minister has the power to decide the disposition of such lands, the prices or rentals and the terms and conditions.

SETTLER'S PULPWOOD PROTECTION ACT, R.S.O. 1970, c. 432.

Administered by the Ministry of Natural Resources.

Provides authority for making regulations protecting a settler's pulpwood.

The Lieutenant Governor in Council may make regulations governing the sale and supply to any company of the pulpwood cut by any settler or cut from his lands; fixing the kinds and qualities of pulpwood that may be purchased by any company within a period; fixing the prices to be paid by any company to any settler for pulpwood cut on a settler's land; and controlling the method of measuring the pulpwood.

The Minister of Natural Resources, or any officer on his instructions, may investigate the prices received and the terms and conditions with respect to the sale, disposal, or transfer of pulpwood cut on settler's land.

THE TILE DRAINAGE ACT 1971, S.O. 1971, c. 37.

Administered by the Ministry of Agriculture and Food.

Provides for loans to farmers from municipalities to construct tile drains. Loans are repaid by a rate levied on the property and financed in the interim by municipal debentures sold to the Treasurer of Ontario.

Under this Act, and subject to Sections 64 and 65 of the Ontario Municipal Board Act, the council of a municipality may pass bylaws authorizing the borrowing of money from the Treasurer of Ontario for the purpose of lending the money for the construction of drainage works.

The Act describes how an owner of agricultural land may borrow money for the purpose of constructing a drainage work on his land. The terms on which council may lend money are specified, as well as the time period over which the principal and interest are collected from the land owner. The council of a municipality borrowing money under this Act is required to employ an inspector of drainage to insure satisfactory completion of the work.

THE VACANT LAND CULTIVATION ACT, R.S.O. 1970, c. 476.

Administered by the Ministry of Treasury, Economics and Intergovernmental Affairs.

Empowers municipalities to grant permits to cultivate vacant land and set terms and conditions.

Through bylaws, the councils of local municipalities may grant permits to cultivate vacant land on such terms and conditions as may be considered proper, and may regulate and control the use of such land by the holder of a permit. If the council revokes a permit because the land is immediately required by the owner for building or manufacturing or other revenue-producing purposes, then compensation may be paid. The amounts of compensation are specified.

2. Tenure and Assessment

ABSCONDING DEBTORS ACT, R.S.O. 1970, c. 2.

Administered by the Ministry of the Attorney General.

Provides a mechanism for seizing the property of a resident in Ontario who absconds with intent to defraud his creditors or to avoid being arrested or served with process.

A judge of the Supreme Court may make an order for attachment of the defendant's property upon affidavit alleging indebtedness of \$100, together with supporting material evidencing the debtor as absconded. The order, which remains in force for six months, enables the plaintiff to have a sheriff attach the property of the defendant. Of special interest to agricultural authority is section 8, which enables the sheriff to have livestock appraised and sold at public auction after six days notice of sale.

(Land)

THE ASSESSMENT ACT, R.S.O. 1970, c. 32; A.S.O. 1971, c. 79 and c. 98; 1972, c. 125, 1, 111, and 161; 1973, c. 26 and c. 148; 1974, c. 41.

Administered by the Ministry of Revenue.

Certain provisions of this Act are of importance to agriculture since they set down how farm land used for farming is to be assessed, and also exempt certain real properties from assessment.

All real property in Ontario is liable to assessment and taxation, subject to certain exemptions. The property of every agricultural or horticultural society or association, to the extent of its use for the purposes of the institution or society, is exempt from assessment and taxation. This also applies to all machinery and equipment used for farming purposes. A farm, market garden, nursery, or fur farm is not liable to business assessment in respect of such land.

Farm lands used for farming must be assessed on their market value when used for this purpose. In determining this value considerations are not to be given to the sales of farm lands and buildings to persons whose principal occupation is not farming.

An application to the Assessment Review for the cancellation, reduction or refund of taxes may be made by any person in respect of a building that was razed by fire, demolition or otherwise; or whose taxes are unduly burdensome by reason of an increase resulting from a different assessment generally of lands within the municipality.

THE EXECUTION ACT, R.S.O. 1970, c. 152.

Administered by the Ministry of the Attorney General.

Provides for exemptions from seizure of certain possessions of an agricultural producer.

In the case of a person engaged solely in farming, the livestock, tools and implements and other chattels ordinarily used by the debtor in his business, not exceeding \$5,000 in value, are exempt from legal seizure. Also exempt are his seed requirements and the feed and bedding required for the livestock that are exempt under the Act. The Act also exempts from seizure the wearing apparel of the debtor and his family up to the value of \$1,000, and household furniture, utensils, equipment, food and fuel up to a maximum of \$2,000.

The Act contains a number of provisions specifying how seizures are to be made and the proceeds paid.

THE EXPROPRIATIONS ACT, R.S.O. 1970, c. 154; A.S.O. 1971, c. 12; 1972, cc.1 and 24.

Administered by the Ministry of the Attorney General.

Provides general machinery for giving notice to affected persons of an intended expropriation and for the holding of inquiries where the taker has to justify the taking. Provides for senior consideration of the proposed taking, and machinery for transferring title, either permanently or temporarily.

(Land)

Many specific acts set up different rules; therefore anyone affected by an expropriation should check both the Expropriation Act and other relevant acts that may concern them. EG: the Ontario Energy Board or the Drainage Act might be the source of the expropriation.

The basis for compensation is not always the same in the different acts. While the Expropriation Act provides for compensation based on market value, damages for disturbance, injurious affection and special relocation difficulties, these terms are often the subject of much argument involving sales between "willing buyers" and "willing sellers". If no agreement is reached, the expropriating authority can offer compensation, and the owner can ask for negotiation or arbitration. If formal negotiation fails, then the matter ends in arbitration before the Land Compensation Board, with a further right of appeal to the Court of Appeal. Provision is made for the award of costs, and interest of six percent.

Note: When property is expropriated, many people with valuable interests are often affected. It would therefore be unwise for anyone to rely on this general synopsis of an Act which is full of technical steps and critical time limits.

THE LANDLORD AND TENANT ACT, R.S.O. 1970, c. 236; Amendments: 1972, c. 123.

Administered by the Ministry of the Attorney General.

Sections 43 to 47 of this Act are relevant to agriculture, since they cover goods and chattels liable to be held for arrears of rent.

Growing crops, grain and hay held in storage, and any cattle or other livestock belonging to the demised premises can be seized. However, livestock are not to be seized if there are other chattels sufficient to satisfy the demand. The Council of a municipality may by bylaw establish a Landlord and Tenant Advisory Bureau.

Other provisions deal with the landlord's right of re-entry on nonpayment of rent, forfeiture of leases, sale of goods seized and proceedings against tenants who stay beyond the time limits set.

LAND TITLES ACT, R.S.O. 1970, c. 234; Amendments: S.O. 1972, c.1 and 132; 1973, c.39.

Administered by the Ministry of Consumer and Commercial Relations.

This Act deals with the methods of entry of land, register of title, the registration of part owners and of leasehold land, how registration is to be effected, the transfer and charge of registered land, the liability of registered land to easement and certain other rights.

An assurance fund, known as the Land Titles Assurance Fund, may be formed for the indemnity of persons who are wrongly deprived of land or some estate or interest therein as a result of the land being brought under this Act, or of some other person being registered as owner through fraud, or because of other omissions or errors.

(Land)

THE LINE FENCES ACT, R.S.O. 1970, c. 248.

Administered by the Ministry of Treasury, Economics and Intergovernmental Affairs.

Prescribes the duties of owners of adjoining land regarding line fences, and establishes the mechanics whereby disputes between owners can be handled.

Owners of adjoining occupied lands must make, keep up, and repair a just portion of the fence that marks the boundary between them, or if there is no fence, they must make, keep up and repair the same proportion of the fence to mark such a boundary.

When disputes between owners arise, fenceviewers can be called in to examine the premises and, if required by either party, can hear evidence and examine the parties and their witnesses under oath. The factors that must be considered in any award of the fenceviewers, and the procedures to be followed to enforce the award, are outlined in the Act. Where a tree is thrown down across a line fence and there is a dispute between parties, the fenceviewers have the power to decide disputes. The manner of appeals is covered.

THE MUNICIPAL ACT, R.S.O. 1970, c. 284; Amendments: S.O. 1971, cc.81 and 98; 1972, c.121, 124, 169; 1973, c.83 and 175; 1974, c. 3.

Administered by the Ministry of Treasury, Economics and Intergovernmental Affairs.

Four sections of this Act are of importance to agricultural authority. These provide authority for the collection of farm organization dues, for making grants, and for acquiring land for development purposes.

Bylaws may be passed by township councils providing for grants to the Ontario Federation of Agriculture (if a bylaw under Section 306 is not in force in the township), and to farm organizations or agriculture commodity groups.

Sections 336 and 337 give authority to Improvement Districts to acquire and hold land within their districts for development purposes; to survey, clear, grade and subdivide such land; to undertake on such land any work, project, scheme or act of a kind that may be undertaken by a municipality. These also have the authority to sell, lease, or otherwise dispose of such land, and to borrow money for any of these purposes.

Under Section 376 of this Act the annual dues of members of any farm organization approved by the Minister of Agriculture and Food may be entered in the tax collector's roll and collected in the same manner as taxes. Their dues do not form a charge upon land and are not subject to a penalty for non-payment. A member may discontinue the payment of dues by notifying the clerk of the township in writing.

THE PETTY TRESPASS ACT, R.S.O. 1970, c. 347.

Administered by the Ministry of the Attorney General.

Provides the law regarding trespass.

This Act provides penalties for a person who unlawfully trespasses upon another person's land, when he has had notice by word of mouth, or in writing, or by posters not to trespass.

The Act does not apply to cases where the title to land or to any interest therein is called in question or affected, nor to a case where the person trespassing acted under a fair and reasonable supposition that he had the right to do so.

PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT, R.S.O. 1970, c. 201. Amendments S.O. 1971, c. 61; 1973, c.20 and 67.

Administered by the Ministry of Transport and Communications.

The Sections of this Act relevant to agriculture concern the exercise of the power to use land for improvement purposes, and payment for damages or compensation by the Ministry of Transportation and Communications.

Under Section 4 the Minister of Highways or any person authorized by him may, without the consent of the owner, enter upon and use any land; alter any feature of any land; construct and use roads on, to or from a land; or place upon or remove from any land any substance or structure, for any purpose under Part I of this Act.

Claims for damages or compensation from exercise of power under Section 4 apply only where the exercise of such power does not result in expropriation to which the Expropriation Act applies. The determination of compensation is by the Ontario Municipal Board and the Ontario Municipal Board Act.

Under the Act the Minister may pay a bonus for planting trees on land adjoining the King's Highway, pay for the removal or construction of fences, pay compensation for the removal of obstructions, and pay damages for the effects of snow fences.

The Act also specifies the penalties for allowing livestock to run on the King's Highway.

QUIETING TITLES ACT, R.S.O. 1970, c. 396; Amendment: S.O. 1972, c. 49.

Administered by the Ministry of the Attorney General.

Provides the rules and procedure whereby owners in fee simple may obtain judicial investigation of title to establish its validity and determine whether it is subject to any change or encumbrance.

(Land)

An owner of an estate in fee simple in land or a trustee for the sale of the fee simple is entitled to have his title judicially investigated and its validity ascertained and declared, whether he has the legal estate or not, and whether or not his title is subject to a charge or encumbrance. Any other person who has an estate or an interest in land may also apply for a judicial investigation of the title and a declaration of its validity.

The Act also prescribes the form of application and to whom made, how it should be supported, the evidence on which the judge may proceed, verification, exceptions and qualifications to every claim of title. It also covers certificates obtained by fraud, the appointment of inspectors and referees and their powers, and the appointment of a Rules Committee and their power under this Act.

REGISTRY ACT, R.S.O. 1970 c. 409. Amendments: S.O. 1971, c.50 and 98; 1972, c.1 and 133; 1973, c. 120.

Administered by the Ministry of Consumer and Commercial Relations.

Provides for the establishment of Land Registry Offices in the Province and for the registration of instruments affecting land.

Documents and records are to be maintained on land transferred, disposed of, charged, encumbered or affected in any other way. Upon request and for a prescribed fee, a Registrar must produce for inspection any instrument registered in his office or any book relating to such instrument. Certified copies can be obtained from the Registrar of any instrument or statement of facts deposited, registered, or filed and kept in his office.

The manner of registration, instruments that may be registered, and the effect of registration are specified.

THE SNOW ROADS AND FENCES ACT, R.S.O. 1970, c. 440.

Administered by the Ministry of Treasury, Economics and Intergovernmental Affairs.

Provides authority for specified actions by municipal councils.

Councils of any municipality may erect snow fences upon land lying along any public highway. The Council can require owners or occupants to alter or remove any fence that impedes or disrupts traffic. Provisions exist for paying compensation, for arbitration and for fines for non-compliance with this Act.

III. FINANCE

1. Farm Credit

THE AGRICULTURAL REHABILITATION AND DEVELOPMENT ACT (ONTARIO), R.S.O. 1970, c. 12.

Administered by the Ministry of Agriculture and Food.

Provides for Federal-Provincial cost sharing and co-operation in programs concerning land use, rural employment, conservation and related matters.

The Agricultural Rehabilitation and Development Directorate of Ontario is continued as a body corporate responsible to the Minister.

The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with Canada for efficient use and economic development of lands; for development of income and employment opportunities and improving standards of living in rural areas; for development and conservation of water supplies and soil improvement and conservation; and for programs of research and investigation.

The Act specifies the provisions to be included in the agreements and empowers the Lieutenant Governor in Council to make regulations respecting any matter necessary or advisable for carrying out the intent of this Act. The powers of the Directorate are outlined. The power to delegate and to borrow money and issue securities is described, as are other powers.

THE FARM LOANS ACT, R.S.O. 1970, c. 158.

Administered by the Ministry of Treasury, Economics and Intergovernmental Affairs.

Provides authority for the establishment and assistance in funding of Farm Loan Associations. Membership eligibility criteria, loan and time limits are specified.

A Farm Loan Association may be formed for the purpose of loaning money under this Act in any part of Ontario described in the certificate of incorporation.

The object of an association incorporated under this Act is to promote individual prosperity and agricultural development by securing for members short-term loans for current expenditures.

Any person resident in the territory described in the application (to the Commissioner of Agricultural Loans) and actually engaged in farming operations, or agreeing to become so engaged within one year, is eligible for membership.

The loan net limit to any member of the association is \$2,000, and the rate of interest cannot exceed 7 percent per annum. The loan must be repaid by the 31st of December following the taking out of a loan. The directors have the power to renew the loan.

The Treasurer of Ontario may subscribe for shares of the capital stock of the association and lend money to assist it to carry on its business; enter into agreements and guarantees with banks etc., for securing moneys for the purposes of associations; and may make provision for such rates of interest and conditions of repayment as are seen proper.

(Finance)

The procedure for making application for an association loan is described. Other sections deal with the appointment of officers, liens or charges on property, disposal of property by lien, inspection of books and records, and dissolution of an association.

THE JUNIOR FARMER ESTABLISHMENT ACT, R.S.O. 1970, c. 229. Amendment: 1971, c. 98.

Administered by the Ministry of Agriculture and Food.

Provides for loans to be made to 'junior farmers', as defined in the Act, to be secured by mortgage. No new loans being made.

The Ontario Junior Farmer Establishment Loan Corporation is continued.

It has as its objective the making of loans to junior farmers and owners of farms where one of the family members is a junior farmer, for the establishment, development, and operation of their farms.

The Corporation may make loans to junior farmers for the following purposes: to buy farm land; to erect farm houses or farm buildings; to pay off claims against liens on property; to consolidate debts; to provide drainage; to purchase livestock; and for such other purposes as the Corporation approves.

Required qualifications for applicants for loans are: age of 21 to 35 years; residence in Ontario for three years; three or more years of farming experience; demonstrated ability and capacity to operate a farm; being industrious and of good character; and actually farming or intending to farm on a full time basis on the land for which security is given.

Under the Act, the Corporation must refuse a loan where the land and buildings do not constitute an economic farm unit. The loan limit is \$40,000 and the interest rate is five percent per annum. (Note: At the time of printing there is no loaning activity under this Act, and there has not been any for some time.)

THE RURAL HOUSING ASSISTANCE ACT, R.S.O. 1970, c. 418.

Administered by the Ministry of Housing.

Establishes a corporation to lend money to build houses in rural areas, and provides for co-operation with certain other lending institutions.

The Rural Housing Finance Corporation has the power to lend and invest money on mortgage of real estate in order to provide financial assistance in the building of houses in rural villages and hamlets and in other rural areas. The act enables it to exercise its power of lending money in co-operation with Central Mortgage and Housing Corporation under the National Housing Act (Canada) or with any other corporation incorporated for similar purposes.

RURAL POWER DISTRICT LOANS ACT, R.S.O. 1970, c. 420.

Administered by the Ministry of Energy.

Provides for loan advances through the Ontario Hydro-Electric Power Commission (now Ontario Hydro Corporation) to pay for wiring of buildings and for certain electrical equipment in rural areas. Sets terms and conditions.

From the Consolidated Revenue Fund and through the Hydro-Electric Power Commission of Ontario, (now Ontario Hydro Corporation) advances may be made to property owners to pay for wiring from transmission or distribution lines into their buildings and for transformers, motors, and other appliances necessary for industrial, agricultural or domestic purposes. The amount of the advance is limited to \$1,000 in the case of any one owner, and every advance is repayable with interest within twenty years. The advance made under this Act is a first charge upon the lands and premises owned by the applicant.

2. Debt Adjustment and Income Assistance

THE CROP INSURANCE ACT (ONTARIO), R.S.O. 1970, c. 98. A.S.O. 1971, c. 28.

Administered by the Ministry of Agriculture and Food.

Provides for the insurance of agricultural crops to be written in co-operation with Ottawa on a cost-sharing basis.

The Crop Insurance Commission of Ontario and the Ontario Crop Insurance Fund are continued. The Minister may, with the approval of the Lieutenant Governor in Council, enter into an agreement with the Government of Canada as provided for in the Crop Insurance Act (Canada).

It is the function of the Commission, and it has the power, to administer this Act and the regulations; to administer crop insurance plans; to evaluate losses and pay claims; to conduct surveys and research programs relating to crop insurance; to collect premiums and adjust claims; to enter into agreements or retain persons to do certain work; and to require an applicant for crop insurance or an insured person to furnish the information required by the Commission.

The Commission may make regulations with respect to establishing, amending, and revoking voluntary plans; and providing for insurance within Ontario against loss arising when the seeding or planting of land to an agricultural crop is prevented by excess ground moisture, weather or other agricultural hazards. The Commission may regulate the terms and conditions of insurance under any plan. The Lieutenant Governor in Council is empowered to make regulations respecting any matter necessary or advisable to carry out effectively the purpose of this Act.

✓ **THE FARM LOANS ADJUSTMENT ACT, R.S.O. 1970, c. 159.**

Administered by the Ministry of Treasury, Economics and Intergovernmental Affairs.

Provides authority whereby agricultural loans made under specified Acts may be reviewed and some relief given to the borrower.

A person who is liable for the payment of a loan made under the Agriculture Development Act, the Farm Loans Act, or the Northern Development Act for farming or agricultural purposes, may make application to the Commissioner of Agricultural Loans to have the loan reviewed by a judge for the purpose of obtaining any or all of the following relief:

- (1) a reduction in the amount of the principal outstanding;
- (2) a reduction in the amount of the arrears of interest; and
- (3) an extension of time for the payment of the loan

✓ **ONTARIO GUARANTEED ANNUAL INCOME ACT, 1974. S.O. 1974. c. 58.**

Administered by Ministry of Treasury, Economics and Intergovernmental Affairs.

Provides for income supplements to be given to 'eligible' persons in amounts necessary to ensure that an income of \$2,600 for unmarried persons and \$5,200 for married couples is available.

The size of the monthly increment is equal to 1/12 of the amount by which the guaranteed income limit exceeds the person's income as determined according to the provisions. Increments may be suspended if a person lives out of Ontario for more than six months a year, or on failure to comply with the provisions. Applications operate retroactively to the latter of either the applicant's qualifying date or one year from the date of receipt of the application.

3. Taxation

✓ **LAND SPECULATION TAX ACT, 1974. S.O. 1974, c. 17.**

Administered by the Ministry of Revenue.

Imposes a tax on land in respect of certain speculative transactions affecting control or ownership of land, fixes responsibility on the owner for payment of the tax and provides certain exemptions. Much of the interpretation of the Act has not been listed by actual cases.

After April 9, 1974, a tax of 50 percent of taxable value is levied upon any disposition of land situated in Ontario other than mineral properties. 'Disposition' includes sales, transfers, assignment or exercise of options, long-term leases (over ten years), and changes in control of corporations or associations 50 percent or more of whose assets consists of designated land and debt transfers.

(Finance)

A person disposing of the designated land is responsible for payment of the tax.

Exemptions from tax are made where it is farming land disposed of within a family to enable the transferee to carry on farming, where land is taken under statutory authority, where it is transferred to the Crown, and where the land is a person's principal residence or principal recreational property. A special exemption is included for persons over 65 who are disposing of land which has been inhabited as principal residence for five years or more. Other tax exemptions are specified.

LAND TRANSFER TAX ACT, 1974. S.O. 1974, c. 8.

Administered by the Ministry of Revenue.

Imposes on the registration of the document of conveyance of land transferred to persons who are not residents in Canada a tax of 20 percent of the value of the consideration for the transfer.

For transfers to residents of Canada, the tax is 3/10 of one percent of the first \$35,000 of the value of the consideration for the transfer and 6/10 of one percent on the remainder.

In view of the increased liability to tax imposed and the differentiation between residents and non-residents of Canada, many definitions are contained in the statute. It also contains many administrative provisions similar to those contained in other revenue statutes of the Province.

SUCCESSION DUTY ACT, R.S.O. 1970, c. 449. 1971, c. 15 and 98; 1971 (2nd Sess.) c. 3; 1972, c. 17; 1973, c. 109; 1974, c. 40.

Administered by the Ministry of Revenue.

A brief and accurate synopsis of this Act is not thought possible. Readers are referred to the Act itself or to specialized tax publications or to articles in the press, depending on their need for certainty.

The principal features of the 1973 Amendments as outlined by the Treasurer are:

- (1) the abolition of taxes on the passage of property to one spouse on the death of the other;
- (2) the forgiveness of succession duties over a 25-year period in the transfer of a family farm which remains in the family and in agricultural use;
- (3) the right of persons who hold assets in Canadian family firms to pay any duty either in the form of shares in that firm or over a six-year period with appropriate interest;
- (4) along with elimination of duty between spouses, the Act also provides for special exemptions for dependent children, or children who are orphaned or infirm.

In the 1974 amendment the exemption from succession duty is raised to a \$150,000 and reduction provisions for dependents are increased by 50 percent.

The definition of farming assets eligible for forgivable duty is expanded to include any amount owing to the deceased by a member of his family, ordinarily resident in Canada, for a sale of the deceased's farming assets made prior to his death. Included in the definition of 'farming assets' is the interest of a deceased partner in farming where that interest passes to a member of his family who is ordinarily resident in Canada. These are now eligible for forgivable duty.

IV. PRODUCTION

1. General

THE GAME AND FISH ACT, R.S.O. 1970, c. 186; Amendment: S.O. 1971, c. 30; 1973, c. 108 and 174.

Administered by the Ministry of Natural Resources.

The relevant articles in this Act are the rules governing game and fish on the owner's property.

This Act does not apply to domestic animals and domestic birds (except dogs); to a person destroying any animal (other than a caribou, deer, or moose) on his own lands in defense or preservation of his property by any means at any time; or to a person destroying a beaver dam in defense or preservation of his property.

A farmer or any of his family residing with him on his land does not require a license to hunt or trap fur-bearing animals during the open seasons. He may without a license sell the fur-bearing animals or the pelts, but he must keep records and make such returns as are prescribed in the regulations.

THE LIGHTNING RODS ACT, R.S.O. 1970, c. 245, Amendment: S.O. 1971, c. 50.

Administered by the Ministry of the Solicitor General.

Provides for licensing of sellers and installers of lightning rods.

No person is allowed to offer for sale sell or install lightning rods unless licensed to do so by the Fire Marshall under this Act. This Act does not apply to the installation of lightning rods on a building or structure by the owner or occupant of the building or structure where he himself does the work, or the work is done by his employee or employees under his direction.

PESTICIDES ACT, 1973, S.O. 1973, c. 25. Amendment: 1974, c. 21.

Administered by the Ministry of the Environment.

Provides for the licensing of exterminators and the regulation of extermination activities, and regulates the handling and use of pesticides within the context of the dangers of health and environmental impairment.

This is a revision of the Pesticides Act, R.S.O. 1970, c. 346. The licensing provisions for exterminators are outlined. A permit is now required for water, land and structural exterminations. Licenses are required to sell

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or to transfer any pesticide; pesticides are to be classified by regulations; the Director may exempt persons from this licensing requirement or modify such licenses.

Control orders and stop orders may be made by the Director. Provincial officers (formerly inspectors) may also issue such stop orders. The Minister may order persons to repair damage to environment. Cleaning and decontamination measures must be undertaken as prescribed. Prohibited activities are defined. Appeals from the decision of the Director regarding licenses, permits, control orders and stop orders may be taken to the Pesticides Appeal Board.

The Minister of Environment is accorded authority to conduct studies, research and educational and informational programs relating to pesticides and the control of pests. Cabinet regulatory authority is set down.

2. Crops

ABANDONED ORCHARDS ACT, R.S.O. 1970, c. 1; Amendment: 1971, c. 50.

Administered by the Ministry of Agriculture and Food.

Provides for action against neglected orchards by commercial fruit growers in order to prevent spread of disease and insect infestation.

Provision is made for inspection of fruit trees in orchards and the issuance of certificates designating orchards as neglected orchards in appropriate cases. The owner of an abandoned orchard is required to destroy all fruit trees in the orchard and all such other trees, etc. present in the orchard as are designated in the Regulations. The owner of such an orchard has the right to appeal. Generally speaking the Act applies only to orchards any part of which is closer than 300 yards to an orchard that is used for the commercial production of fruit.

THE PLANT DISEASES ACT, R.S.O. 1970, c. 350. Amendment: S.O. 1971, c. 50.

Administered by the Ministry of Agriculture and Food.

Provides for the control or eradication of diseases that affect plants; powers of inspectors; licensing of nursery operators, etc.

The intent of this Act is to control or eradicate any plant disease that is designated a plant disease in the regulations.

An operator of a nursery or a dealer in stock must be licensed under this Act. The Act provides for the appointment of a director, a provincial entomologist and inspectors plus a Plant Diseases License Review Board.

The council of any municipality may by bylaw employ one or more municipal inspectors to enforce this Act and the regulations, and provide for the control or eradication of any disease of plants which they designate.

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Inspectors have the power to make an inspection and to order disinfection of diseased plants, land, buildings, vehicles, or containers, or to order the treatment and destruction of any diseased plants. They also have the power to prohibit the growing of certain plants when a plant disease is found in the soil on any premise. The Act describes how orders and appeals are to be handled.

The Lieutenant Governor in Council may make regulations designating the plant diseases under this Act; providing for the establishment of plant disease control areas; providing for the issue of disease free certificates; and providing for the making of grants to reimburse any municipality for expenses incurred under this Act.

SEED POTATOES ACT, R.S.O. 1970, c. 429.

Administered by the Ministry of Agriculture and Food.

Provides for the establishment of “seedpotato restricted areas”, for controls over movement of potatoes into, out of or within such areas, and for restrictions on the type of potatoes planted in such areas.

Only those seed potatoes that are prescribed in the regulations can be planted in the restricted area. Permits must be obtained from inspectors to move potatoes into a restricted area.

The regulations governing the use of containers and the movement of potatoes into the area for industrial processing so as to prevent the spread of any potato disease are set forth. All places of storage, containers, and machinery used for potatoes in a restricted area must be disinfected at least once each year, and any planting, harvesting, or grading equipment used for potatoes must be disinfected before such equipment is moved from one farm to another within a restricted area.

An inspector may at any time inspect the potato fields in his jurisdiction. Within a restricted area no person can move any potatoes infected with bacterial ringrot from one farm to another.

THE WEED CONTROL ACT, R.S.O. 1970, c. 493. Amendments: 1971, c. 50; 1972, c. 39; 1973, c. 89.

Administered by the Ministry of Agriculture and Food.

Provides for destruction of weeds, appointment of inspectors and collection of costs from land-owners.

The council of any municipality has the power to appoint persons as local weed inspectors to enforce this Act. The powers of the inspectors in bringing about the destruction of noxious weeds are described. Appeals can be made to the chief inspector. When an inspector's order is not complied with, the inspector may cause the noxious weeds or weed seeds to be destroyed in the manner prescribed in the regulations.

3. Livestock

ANIMALS FOR RESEARCH ACT, R.S.O. 1970, c. 22; Amendment: S.O. 1971, c. 50.

Administered by the Ministry of Agriculture and Food.

Provides for the care and provision of animals for research and teaching and regulates research and supply facilities.

The Licensing and Registration Review Board is established and its powers and duties are described. Operators of a facility supplying livestock to a research facility are required to be licensed. Exceptions are specified. Licensing requirements are described. Provision is made for the hiring of inspectors and their responsibilities are set forth.

Research facilities must be licensed. Requirements for registration and grounds for suspension or revocation of registration are outlined. The operator of a research facility has the right to a hearing by the Review Board. The laws regarding purchase or other acquisition of dogs and cats and their sale or other disposition are detailed. The Act provides for the establishment of an Animal Care Committee. The powers and responsibilities of this committee are described.

The Act provides guidelines for the sale or destruction of cats and dogs. The responsibilities of operators of pounds keeping cats and dogs are detailed.

THE ARTIFICIAL INSEMINATION OF LIVESTOCK ACT, R.S.O. 1970, c. 30; Amendments: S.O. 1971, c. 50; 1973, c. 119.

Administered by the Ministry of Agriculture and Food.

Provides for the regulation and licensing by the Livestock Commissioner of those engaged in the business of providing artificial insemination service for cattle.

Under the Act, no person can commence or continue to engage in an inseminating business or a semen-producing business without a license from the Livestock Commissioner. The Artificial Insemination of Livestock Licence Review Board is established under an Amendment to this Act. The Board has power respecting licensing. An appeal from the decision of the Board can be made to the Supreme Court. The decision of the Board is effective until the appeal is disposed of. Only semen purchased or otherwise acquired from a licensed semen-producing business may be used. The Commissioner may authorize the use of semen from a non-licensed semen-producing business, or the sale or disposition of semen that is not produced in Ontario by a bull maintained by a licensed semen-producing business.

In the 1973 Amendment, the right to engage in artificial insemination is extended to livestock other than cattle. "Livestock" is defined to mean cattle, goats, horses, sheep, or swine.

No person, other than a corporation without share capital, shall hold a licence to engage in an inseminating business. This new requirement does not, however, affect a person who held such a licence prior to the day on which this Amendment came into force.

(Production)

THE BEES ACT, R.S.O. 1970, c. 43. Amendment: S.O. 1971, c. 50.

Administered by the Ministry of Food and Agriculture.

Provides for registration and regulation of beekeepers and the honey industry generally.

The major intent of this Act is to control such diseases as American foul brood and European foul brood and any other disease designated by the regulations. The Act states the law regarding the destruction or treatment of infected bees, hives, and equipment, the quarantine of bees, moving bees to and from quarantine, the permits required to receive and transport bees obtained outside Ontario and those required for sale or removal of bees, and disposal of dead colonies of bees and related matters.

The following actions are prohibited: using any honey or candy containing honey as a food for the bees by a seller of packaged bees; spraying of fruit trees in blossom with a mixture containing any poisonous substance injurious to bees; locating of hives containing bees within 30 feet of a highway, dwelling or cultivated field; and locating hives in urban municipalities within 100 feet of a property line occupied by a dwelling or area used as a place of public assembly or recreation. The Act also prohibits the transporting of used honey containers that have not been properly cleansed, and the buying, selling, or transporting of beeswax refuse or used honeycombs between April 1 and December 1 in any year without a permit.

Provision is made for the hiring of inspectors for the purpose of carrying out the Act and its regulations.

THE BRUCELLOSIS ACT, R.S.O. 1970, c. 51.

Administered by the Ministry of Agriculture and Food.

Provides a vaccination program to control brucellosis in cattle.

The authority and the means for controlling the infectious disease of cattle caused by the organism *Brucella Abortus* are provided.

No person other than a veterinarian or an assistant engaged by him can vaccinate for brucellosis. The Lieutenant Governor in Council may make regulations prescribing the vaccine, the method and the age limits for the vaccination of a calf; providing for a means of identification of a calf that has been vaccinated; prescribing the manner in which such means of identification may be used; governing the removal of identification from a head of cattle; prescribing forms and providing for their use; respecting any manner necessary or advisable to carry out effectively the purposes of this Act.

THE DEAD ANIMAL DISPOSAL ACT, R.S.O. 1970, c. 105; Amendments: S.O. 1971, c. 50; 1972, c. 60.

Administered by the Ministry of Agriculture and Food.

Provides regulation of the disposal of the carcasses of animals dying from reasons other than slaughter, and licensing of those engaged in this service.

(Production)

This Act fixes responsibility of the owner in disposing of dead animals, provides for licensing of collectors, inspection, and other matters related to the handling of the carcasses.

This Act does not apply to establishments operating under the Meat Inspection Act (Canada) or to dead animals while being held for postmortem examination, investigation, or law enforcement.

The owner is responsible for disposing of a dead animal or carcass. A broker, collector, and operator of a receiving plant and an operator of a rendering plant must be licensed by the Director of the Veterinary Service Branch of the Ministry of Agriculture and Food. The legislation prohibits the collection of a dead animal by any person unless he is a holder of a license as a collector. The conditions that must be met to hold a license are outlined.

The Minister may appoint a chief inspector and one or more inspectors to carry out and enforce this Act and the regulations.

DOG LICENSING AND LIVESTOCK AND POULTRY PROTECTION ACT, R.S.O. 1970, c. 133. Amendments: S.O. 1971, c. 50; 1972, c. 10; 1974, c. 94.

Administered by the Ministry of Agriculture and Food.

Permits municipalities to levy taxes on owners of dogs and provides for payment of awards to owners of live stock killed by dogs.

Under Part II of this Act, any person may kill a dog that is found attacking livestock or poultry, or straying on premises where livestock or poultry are habitually kept. The local municipality is liable to the owner of the livestock or poultry for the amount of damage determined. Where the owner claims damage from the municipality he must notify the municipal clerk and file an affidavit within ten days. The carcass must be seen by the valuer. Where the owner is dissatisfied with the value placed on the animals by the valuer, he may appeal to the Livestock Commissioner. The amount of damage which the owner can collect from the municipality is limited to the amounts specified in the Act. The rate of recovery from the owner of the dog, the follow-up proceedings, and the duty of the municipality in destroying the dog, are set out.

THE FARM PRODUCTS CONTAINERS ACT, R.S.O. 1970, c. 160.

Administered by the Ministry of Agriculture and Food.

Provides the funding for the Ontario Fruit and Vegetable Growers' Association, and for the Ontario Beekeepers' Association, by means of license fees imposed on containers of farm products.

The Ontario Beekeepers' Association or the Ontario Fruit and Vegetable Growers' Association may require container manufacturers to collect license fees from the producers and to pay them to the appropriate Association.

(Production)

THE FUR FARMS ACT 1971, S.O. 1971, c. 29.

Administered by the Ministry of Agriculture and Food.

Provides for licensing and regulation of fur farms.

A license is required to operate a fur farm and permits are required to move any fur-bearing animal or pelt from a fur farm to any point inside or outside Ontario. A container used in the shipment or transportation of fur-bearing animals or pelts from a fur farm must be plainly marked on the outside in such a manner as to give the quantity and description of the contents and the names and addresses of the consigner and the consignee.

THE HUNTER DAMAGE COMPENSATION ACT, R.S.O. 1970, c. 215. Amendment: S.O. 1973, c. 111.

Administered by the Ministry of Agriculture and Food.

Provides for compensation to farmers who suffer injury to animals and certain classes of equipment by hunters.

The Minister may pay to the applicant such amount as he considers reasonable but not exceeding the market value of the livestock or other property in respect of which payment is made.

Where an applicant is entitled to receive an amount under a contract of insurance against loss by reason of the death or injury to livestock or damage to property in respect of which he has made application, the Minister shall apply an amount equal to that amount in reduction of any payment. In addition, maximum amounts are specified for the different kinds of livestock.

Every agricultural representative and assistant agricultural representative is ex officio a valuer for the purposes of this Act.

THE LIVESTOCK BRANDING ACT, R.S.O. 1970, c. 252.

Administered by the Ministry of Agriculture and Food.

Provides for recording of livestock brands.

The law concerning the branding of livestock, the recording, renewal, and transfer of brands, the right to ownership, the record of all brands, and the publishing of the lists of brands is described. Offenses under this Act are specified.

(Production)

LIVESTOCK MEDICINES ACT, 1973, S.O. 1973, c. 80.

Administered by the Ministry of Agriculture and Food.

Provides for the regulation and licensing by the Director, Veterinary Services Branch, of persons other than pharmacists or veterinarians selling livestock medicines to owners of livestock for the treatment of livestock.

The sale of livestock medicine to the owners of livestock must be made by dealers licensed for the purpose by the Director of the Veterinary Service Branch of the Ministry of Agriculture and Food. Such sales may also be made by licensed pharmacist under the Pharmacy Act, R.S.O. 1970, c. 348.

A Livestock Medicines License Review Board is established to hear appeals in cases where the Director refuses to issue or renew, or suspends or revokes, a license. Appeals therefrom may be taken to the Supreme Court.

“Livestock medicines” are to be designated by regulations.

POUNDS ACT, R.S.O. 1970, c. 353.

Administered by the Ministry of Treasury, Economics and Intergovernmental Affairs.

Provides for the impounding of animals running at large, fixes responsibility, and provides the means for achieving the intended result.

The owner or occupant of any land is liable for any damage caused by any animal under his charge unless the bylaws of his municipality permit the animals to run at large. Where there is no such bylaw in a provisional judicial district, damages to land are not recoverable unless the animals have broken through or jumped over a fence that is in good repair and is 4 1/2 feet high. This section does not apply to breachy or unruly animals.

No bull over the age of ten months nor any swine may run at large in any district not included in an organized municipality.

The Act sets down the types of animals that may be impounded and the conditions under which such action can be taken, the procedure to be followed in recovering impounded animals, and the duties of pound-keepers. It also provides for viewers to appraise damage and to determine whether or not fences are lawful.

PREGNANT MARE URINE FARMS ACT, R.S.O. 1970, c. 359. Amendment: S.O. 1971, c. 50.

Administered by the Ministry of Agriculture and Food.

Provides for licensing of PMU farm operators and provides for regulations respecting care of horses on such farms.

(Production)

No person can commence or continue to be an operator of a Pregnant Mare Urine Farm or a P.M.U. contractor without a license from the Director of the Veterinary Services Branch of the Ministry of Agriculture and Food. The requirements for a license and the conditions which may result in the suspension or revocation of a license are outlined. The applicant or licensee has the right to appeal the decision of the Director to the P.M.U. License Review Board and to the Supreme Court.

PROTECTION OF CATTLE ACT, R.S.O. 1950, c. 294, Amendment: S.O. 1973, c. 110.

Administered by the Ministry of Agriculture and Food.

Provides for civil and quasi-criminal liability of persons who allow a bull to escape their property. A further provision relating to the establishment of "Better Bull Areas" is now obsolete.

This Act provides for a penalty for permitting a bull to run at large and recovery of damages where a cow is got in calf. Where a cow is got in calf by a bull running at large, the owner of the cow is entitled to recover the full amount of actual damage or loss sustained by him. The owner of any bull found off his owner's premises, not confined or led by an attendant, shall be guilty of an offense and on summary conviction shall be liable to a penalty of \$25.

THE RIDING HORSE ESTABLISHMENTS ACT 1972, S.O. 1972, c. 59.

Administered by the Ministry of Agriculture and Food.

Provides for the licensing of operators of riding horse establishments and for regulations respecting care of horses in such establishments.

A Riding Horse Establishment Licence Review Board is established and its composition is specified. Requirements for licenses are set forth. The terms and conditions for revocation or suspension of licenses are prescribed. The powers of the inspectors are described. Prohibitions under the Act are detailed.

The Ontario Society for the Prevention of Cruelty to Animals Act, 1955, does not apply in respect of horses in the possession of a licensed operator of a riding horse establishment.

THE WARBLE FLY CONTROL ACT, R.S.O. 1970, c. 487.

Administered by the Ministry of Agriculture and Food.

Provides for passage of municipal bylaws respecting treatment of cattle for warble fly and for regulations respecting treatment methods, etc.

Upon receipt of a petition by more than two-thirds of the cattle owners in the municipality, the council can require all the cattle within the municipality to be treated for warble fly. Inspectors have the power to enter the premises of cattle producers to control warble flies. The duty of the cattle owners and the powers of

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inspectors to treat for warble fly are specified. The Act outlines the terms under which cattle can be brought into the municipality and the penalties for non-compliance with the regulations under the Act.

THE WOLF DAMAGE TO LIVESTOCK COMPENSATION ACT, S.O. 1972, c. 145.

Administered by Ministry of Natural Resources. Repealed by S.O. 1974, c. 94, 59, effective March 1, 1975.

The provisions of the Act are incorporated in the Dog Licensing and Live Stock and Poultry Protection Act.

Provides for the recovery of damages to livestock by a wolf.

When the death or injury of livestock is caused by a wolf, the owner of the livestock may make application for compensation to the district forester in the manner prescribed by the regulations. The amount of payment for each type of livestock is specified. The Act also covers the conditions under which no payment of compensation will be made. An applicant who has been refused compensation or is not satisfied with the amount of compensation may appeal to the Minister of Natural Resources.

V. MARKETING

1. General

THE FARM PRODUCTS, GRADES, AND SALES ACT, R.S.O. 1970, c. 161. Amendments: S.O. 1972, c. 37; 1974, c. 6.

Administered by the Ministry of Agriculture and Food.

Provides for the inspection, grading, packing and marketing of farm products.

Licenses may be issued to dealers, who are defined as persons who purchase or accept for sale farm products from the producer thereof, other than persons who purchase farm products for their own consumption. Licenses may not be renewed, suspended or revoked, except after a hearing and on grounds stipulated in the statute.

Operators of controlled-atmosphere storage plants must be licensed, as must those engaged in the packing or repacking of controlled-atmosphere fruit for sale. The grounds for the refusal of licenses and for non-renewal, suspension or revocation thereof are established.

A Produce License Review Board and a Produce Arbitration Board are established. Every contract between two contracting parties shall be deemed to provide that an unresolved matter shall be submitted for arbitration to the Arbitration Board. The Arbitration Act, R.S.O. 1970, c. 25, applies, except for where it is inconsistent with this Act. "Contracting Parties" are defined. The types of regulations which may be made are detailed.

(Marketing)

FARM PRODUCTS MARKETING ACT, R.S.O. 1970, c. 162. Amendments: S.O. 1971 cc. 1 and 42; 1972 c. 156.

Administered by the Ministry of Agriculture and Food.

Provides for the control of marketing within Ontario of various designated farm products, including the prohibition of marketing and fixing of quotas.

This Act is designed to facilitate interprovincial and export trade and provides a mechanism for control and regulation of marketing of farm products through the agency of the Farm Products Marketing Board, which is given extensive powers to further the implementation of the Act, Regulations or any Plan. Plans which are examined by the Board may apply to a variety of farm products or to persons engaged in agricultural production and marketing, and may be limited to one or more areas in Ontario.

Local Boards are established, and through licensing and supervision may enforce the comprehensive Regulations necessary for Marketing Plans. An appeal machinery against decisions of the local Board is provided.

The Act provides for the recognition of a group of producers as the representative association of a designated farm product. Such a group, when approved by the Governor in Council, will be charged with responsibility for a marketing program and the management of the license-fee structure.

The Act interlocks with the Agricultural Products Marketing Act, R.S.C. 1970, c. A-7, and certain offences may be dealt with under either Act. Tobacco marketing is seen as a separate problem, and the Ontario Flue-cured Tobacco Growers' Marketing Board is selected in section 21 as the licensing authority.

The Act provides for the approval of agreements providing for the performance by a marketing Agency of Canada, on behalf of Ontario, of functions necessary to implement the general philosophy of the Act. Provision has been made for necessary delegation of powers, so the chain of authority extends from the federal side down to the local Boards, if they have been authorized by Ontario to accept such responsibility.

THE FARM PRODUCTS PAYMENTS ACT, R.S.O. 1970, c. 163.

Administered by the Ministry of Agriculture and Food.

Provides for a fund to be set up for payment of compensation to unpaid producers.

The Lieutenant Governor in Council may establish a fund for any class of producers under this Act. The Milk Commission of Ontario may be designated a Board and administer the fund. Application for payment from this fund can be made when a dealer has not paid the producer the price of a farm product within 15 days of the time the payment becomes due; or the dealer's assets have been placed in the hands of a trustee for distribution under the Bankruptcy Act (Canada) or the Bulk Sales Act.

It is the function of a Board, and it has the power, to administer this fund, to investigate all claims made to it under this Act and to determine the extent of their validity; to grant or refuse the payment of claims or any part and determine the amounts and manner of payment; to recover any monies to which it is entitled under this Act by suit in a court of competent jurisdiction.

(Marketing)

THE ONTARIO PRODUCERS, PROCESSORS, DISTRIBUTORS, AND CONSUMERS FOOD COUNCIL ACT, R.S.O. 1970, c. 328.

Administered by the Ministry of Agriculture and Food.

Provides for the continuation of the Food Council and defines its powers.

The objects of the Food Council are to promote methods of insuring the orderly marketing of agricultural products and agricultural food products; to conduct studies and report on crop conditions, markets, tariffs and distribution and sale methods; to promote research into market development; to stimulate the advertising and promotion of agricultural products; to inquire into and report to the Minister on measures and projects referred to it by him, and to advise the Minister on matters relating to the development of markets for agriculture products and agricultural food products.

Subject to the approval of the Minister, the Food Council may promote and co-ordinate campaigns to market surpluses and enter into assistance arrangements whereby a person, partnership, or corporation can carry out programs for the development of markets.

The Food Council may receive complaints and collect data respecting trade practices in the food industry and take steps to effect the discontinuance of undesirable trade practices. The Minister, upon the recommendation of the Food Council, may make grants for the purposes of carrying out the Administered by the Ministry of Agriculture and Food. objectives of the Food Council.

PUBLIC HEALTH ACT, R.S.O. 1970, c. 377. Amendments: S.O. 1971, c. 95; 1972 c. 80; 1973, c. 130; 1974, c. 61.

Administered by the Ministry of Health.

Provides the authority to make regulations and prescribe conditions under which food products meet public health requirements.

The Department of Public Health has the power and duty to ensure the carrying out of this Act and the Regulations pertaining to public health.

A food and dairy inspector may inspect any premises on which any product for human consumption is handled, and may order any improvements so as to comply with the regulations. Where products are sold outside the municipality in which the premises are situated the Medical Health Officer may regulate or prohibit the distribution or sale of such products. Inspection may be made of any food exposed for sale. Meat packing establishments, slaughterhouses, cow stables, dairies, cheese factories and creameries are subject to inspection.

No person may sell food which by reason of disease, adulteration, impurity or other cause, is unfit for human use.

2. Grains, Fruits and Vegetables

THE GRAIN ELEVATOR STORAGE ACT 1974, R.S.O. 1970, c. 195. Amendment: S.O. 1973 c.88.

Administered by the Ministry of Agriculture and Food.

Provides for the licensing and regulation of grain storage facilities. Establishes a Grain Elevator Storage Licence Review Board.

Included in the statutory requirements are grain storage receipts, weight tickets, records, insurance covering all farm produce stored, and inspections. Penalties for contravening any provision of this Act or the regulations are included.

The 1973 Amendment provides for a hearing on licensing of grain elevator operators, and the factors upon which the chief inspector may refuse to issue such a license are established; refusals to renew, suspensions and revocations of licenses require a hearing, and the factors upon which the chief inspector may base such decisions are established; provisions for notice and evidence are appended.

The Grain Elevator Storage Licence Review Board is established. Appeals may be made to the Board. Appeals therefrom may be taken to the Supreme Court only on questions of law or on mixed questions of law and fact.

FRUITS AND VEGETABLES PRODUCE-FOR-PROCESSING ACT 1974, S.O. 1974. c.55.

Administered by the Ministry of Agriculture and Food.

Provides for licensing of producers and the use of these fees to improve production and marketing techniques.

No produce may be sold for processing unless the producer is licensed. The money collected is to be used to advance the practice of horticulture and improve marketing technique. Provision is made for producers to apply for refund of application fees.

ONTARIO FOOD TERMINAL ACT, R.S.O. 1970, c. 313. Amendments: S.O. 1971, c. 50; 1972, c. 1.

Administered by the Ministry of Agriculture and Food.

Establishes the Ontario Food Terminal and provides for its direction and management.

The objects of the Board are to acquire and operate a wholesale fruit and produce market in the Municipality of Metropolitan Toronto or Regional Municipality of York, to be known as the Ontario Food Terminal, and to acquire and operate such facilities for the transportation and handling of fruit and produce and to do such other acts as may be necessary or expedient for the carrying out of its operations and undertakings.

(Marketing)

The Board has the power to borrow money and issue securities and to rent space in the Terminal. No person may establish or operate within the Municipality of Metropolitan Toronto, Regional Municipality of York or Country of Peel any market for the sale by wholesale of fruit and vegetables except with the approval of the Board. If the Board refuses the approval, the applicant may appeal to the Minister.

3. Livestock and Livestock Products

THE BEEF CATTLE MARKETING ACT, R.S.O. 1970, c. 42. Amendment: 1974, c. 43.

Administered by the Ministry of Agriculture and Food.

Provides for the licensing and regulation of persons selling cattle and for the regulation of the industry as a whole.

This Act covers: the establishment and standardization of procedures affecting the sale of cattle or carcasses; and the designation and financing of an association with power to make recommendations in respect of such procedures, and to expend monies collected from license fees to improve beef cattle marketing.

An association may use license fees to (a) stimulate, increase and improve the sale of cattle or carcasses; (b) disseminate information concerning the cattle industry; and (c) co-operate with any person or any department of the Government of Canada, or the government of any province, in achieving its purposes.

The Lieutenant Governor in Council may make regulations designating an association for the purposes of this Act; fixing the amount of license fees; requiring persons selling cattle to pay license fees owing by them to the Association; providing for the recovery by the association of license fees owing; providing for the inspecting, buying, selling, handling, weighing, measuring, shipping and transferring of cattle and carcasses; and respecting other related matters.

The appointment of inspectors and price reporters is authorized, and their duties are specified. The law regarding detention of cattle and carcasses is set down.

In the 1974 amendment, license fees are increased to a maximum of \$0.45 per head of cattle weighing 500 pounds or more, and \$0.10 less for cattle weighing less than 500 pounds. The maximum annual increase in license fees is limited to 10 cents for each head of cattle.

THE EDIBLE OILS PRODUCTS ACT, R.S.O. 1970, c. 138; Amendments: S.O. 1971, c. 50; 1972, c. 9.

Administered by the Ministry of Agriculture and Food.

Provides for the regulation and licensing of sales and manufacture of non-butterfat dairy substitutes.

The manufacture and sale of certain oil products, other than oleomargarine, manufactured in such a manner that the resultant product is an imitation of or resembles a dairy product, are prohibited. The use of chocolate or cocoa or any flavouring preparation is allowed if it does not exceed one half of one percent by weight of the dairy product. The Act also prevents the sale of an edible oil product to which this Act applies that does not comply with this Act and the regulations.

The Lieutenant Governor in Council is empowered to make regulations respecting any matter necessary or advisable to carry out effectively the purpose of this Act.

(Marketing)

THE LIVESTOCK COMMUNITY SALES ACT, R.S.O. 1970, c. 253. Amendments: 1971, c. 50.

Administered by the Ministry of Agriculture and Food.

Provides for regulation of livestock community sales and licensing of operators thereof.

The conditions that must be met to get a license to engage in the business of operating community sales, the standards that must be met as to premises and the inspection conditions that must be met prior to the sale are stipulated.

This Act does not apply to a sale at a stockyard operated by the Ontario Stockyards Board; a sale of livestock by a local Board under the Farm Products Marketing Act; or a sale of purebred livestock that is, or is of a class, designated by the regulations. Neither does the Act apply to a sale of cattle by a co-operative corporation to which the Corporation Act applies, where one of the objects of the corporation is to sell cattle on a consignment basis, at least three quarters of the shareholders or members of the corporation are producers of cattle, and the corporation has operated not more than four sales in any calendar year.

THE LIVESTOCK AND LIVESTOCK PRODUCTS ACT, R.S.O. c. 251; Amendment: S.O. 1971, c. 50.

Administered by the Ministry of Agriculture and Food.

Provides for grading of livestock, poultry and products thereof, and for regulation of stockyards, livestock exchanges, livestock shippers, etc.

The Lieutenant Governor in Council may authorize one or more persons engaged in the production or marketing of livestock or livestock products to act as an advisory committee with the Minister or his representatives in connection with the production or marketing of any livestock or livestock products.

Inspectors are given broad powers to enforce this Act and its regulations.

The Lieutenant Governor in Council may make regulations respecting any matter necessary or advisable to carry out effectively the purpose of the Act.

THE MEAT INSPECTION ACT(ONTARIO) R.S.O. 1970, c. 266. Amendments: S.O. 1971, c. 50; 1972, c. 81.

Administered by the Ministry of Agriculture and Food.

Provides for inspection of animals and carcasses in slaughtering plants and regulates plant conditions and methods of operation therein.

Subject to the approval of the Lieutenant Governor in Council, the Minister may enter into agreements with the Government of Canada, providing for the more efficient carrying out within Ontario of the intent of this Act; the performance by the Government of Canada, on behalf of the Government of Ontario, of func-

(Marketing)

tions and services under this Act that are the responsibility of the Government of Ontario; and the payment of money required for functions and services performed by the Government of Canada.

The Lieutenant Governor in Council may make regulations respecting any matter necessary or advisable to carry out effectively the intent of this Act.

THE MILK ACT, R.S.O. 1970, c. 273. Amendments: S.O. 1972, c.155 and 162; 1974, c.18 and 62.

Administered by the Ministry of Agriculture and Food.

Provides for the regulation of marketing of milk and products thereof and regulates the conditions under which milk is produced and distributed, except the grading of milk and its products.

The Milk Commission of Ontario is continued as a body corporate responsible to the Minister of Agriculture and Food. The powers, duties and responsibilities of the Commission are set out. The Commission may delegate to a Marketing Board such of its powers as it considers necessary and may at any time terminate any such delegation. To facilitate the development of an orderly quota system, the Commission may authorize a Marketing Board to market on a quota basis and to fix quotas. The Marketing Board can prohibit sale by a person with no quota or sale in excess of quota.

Persons engaged in the producing, processing or marketing of milk or milk products are required to produce their books, records and documents and to permit inspection thereof, and also to permit inspection of premises, equipment and products when requested to do so by an authorized person. No person may obstruct officers or fieldmen of the Commission or Board authorized to inspect, or refuse to furnish them with information, or give them false information.

The construction, alteration and operation of plants requires a permit from the director of the Milk Industry Branch of the Ministry of Agriculture and Food. Any person who operates a plant or distributes fluid milk products must obtain a licence from the director of the Milk Industry Branch.

Under the Act municipalities may pass bylaws for licensing, regulating, and governing vendors and for revoking such licences. The council of any municipality may by bylaw appoint inspectors for the enforcement of the Act.

Any person who considers himself wronged by any order, direction, or decision of the Director or the Marketing Board may appeal to the Commission by serving upon the Commission a written notice of the appeal.

OLEOMARGARINE ACT, R.S.O. 1970, c. 304. Amendment: S.O. 1971, c. 50.

Administered by Ministry of Agriculture and Food.

Regulates the marketing of oleomargarine and provides for licensing of manufacturers and wholesalers, etc.

(Marketing)

This Act outlines conditions whereby oleomargarine can be served in public eating places and prohibits the mixing of oleomargarine and butter for the purpose of sale or for use in any public eating place. Colour standards for margarine are specified.

Every package containing oleomargarine must be legibly marked with the word 'oleomargarine' or the trade name and list of ingredients, and the percentage of each.

The Act prohibits the use of misleading advertising either by word or design in an advertisement or on a package in which oleomargarine is contained. A dairy scene must not be depicted either on a package or in an advertisement for oleomargarine, nor may it be stated or implied that oleomargarine has a relation to any dairy product.

The Lieutenant Governor in Council may appoint inspectors and analysts and may make regulations respecting any matter necessary or advisable to carry out effectively the intent of this Act.

THE PROVINCIAL AUCTIONEERS ACT, R.S.O. 1970, c. 368. Amendment: 1971, c. 50.

Administered by the Ministry of Agriculture and Food.

Provides for provincial licences to auctioneers of purebred livestock, which eliminates the necessity for municipal licensing.

The Minister may grant a licence to a qualified person to sell purebred livestock only, by public auction in Ontario. A person holding such a license is not required to take out an auctioneer's license in any municipality for the sale of purebred livestock. The Minister has the power to revoke any licence. Fees and terms of licences are specified.

STOCKYARDS ACT R.S.O. 1970, c. 448 Amendment: S.O. 1971, c. 50.

Administered by the Ministry of Agriculture and Food.

Establishes the Ontario Stockyards Board and defines its powers and duties.

The Ontario Stockyards Board can acquire, construct, equip and operate livestock markets and operate facilities for the transportation of livestock necessary for the purposes of such markets. Subject to the approval of the Lieutenant Governor in Council, the Board may acquire, with or without the consent of the owner, the land, property, and assets of any stockyards, and any other land or property which it may require for its undertakings.

Provision is made for the guarantee by the Province of any securities issued by the Board. Surpluses of the Board are to be paid into a fund known as the Livestock Improvement Fund and used for the purposes of the improvement of livestock. Board approval is required to construct, maintain or operate any stockyard or any premises where livestock is assembled for the purpose of sale. Any stockyard or premises operated prior to May 12, 1944, can continue to operate without Board approval, providing these yards or premises are not enlarged.

(Marketing)

WOOL MARKETING ACT 1974, S.O. 1974, c. 56.

Administered by the Ministry of Agriculture and Food.

No person may sell wool to a buyer without being licensed. The license fees, which may be refunded on application, are to be used to advance the production of sheep and wool.

VI. AGRICULTURAL SOCIETIES, PROFESSIONS AND EDUCATION

AGRICULTURAL ASSOCIATIONS ACT, R.S.O. 1970, c. 8. Amendment: S.O. 1971, c. 50.

Administered by the Ministry of Agriculture and Food.

Provides for incorporation of agricultural producers' groups by Order-in-Council and regulates their operation.

Certain bodies, formed for the purpose of advancing the interest of a special branch of agriculture, are corporations under this Act. The Lieutenant Governor in Council may declare that this Act applies to the admission of other societies. The formation of Boards of Agriculture, Farmers' Institutes and Women's Institutes for the purpose of disseminating information in regard to agriculture and of improving domestic life is permitted under this Act, and these constitute associations under this Act.

The Lieutenant Governor in Council may make regulations fixing the grants, and the conditions upon which the grants are to be paid.

THE AGRICULTURAL COMMITTEES ACT, R.S.O. 1970, c. 9.

Administered by the Ministry of Agriculture and Food.

Provides for committees to be formed to co-operate with the local agricultural representative for the improvement of agriculture generally, as well as the encouragement of farm youth activities and the co-ordination of agricultural groups.

No member can be selected or appointed as a member of a District or County Agricultural Committee except a farmer, farmwoman, retired farmer, farm youth or an official of an agricultural organization.

Every agricultural organization is entitled to at least one representative on the Committee, unless there are more than thirteen agricultural organizations, in which case one person may be selected as the representative of two or more agricultural organizations. Provision is made for appointing a committee member by the sitting member of the Legislature. County Council may appoint a member to a County Agricultural Committee. The Minister may appoint one member to a District Agricultural Committee.

(Agricultural Societies, Professions and Education)

The Minister may assign to any Committee any matter or undertaking that he considers of special interest to agriculture. A Committee may initiate or promote any matter or undertaking for the purpose of improving agriculture.

Subject to the approval of the Minister, an Agricultural Committee may require producers of any agricultural product in the county to register their names and addresses with the Secretary Treasurer of the Agricultural Committee and to furnish such information respecting the production (other than costs) of such a product as the Agricultural Committee determines. The duties of the Agricultural Representative are specified.

THE AGRICULTURAL REPRESENTATIVES ACT, R.S.O. 1970, c. 13; Amendments: S.O. 1971, c. 45; 1973, c. 112.

Administered by the Ministry of Agriculture and Food.

Provides for the appointment as agricultural representatives persons who have graduated from a university or agricultural college approved by the Minister with a degree of Bachelor of Science in Agriculture, and the appointment of their assistants and clerks.

Agricultural representatives and assistant agricultural representatives are to be appointed under the Public Service Act and must perform such duties as are designated by the Ministry.

The payment by the County Council of a sum of \$500 to the agricultural representative for the purpose of assisting and carrying out the work is required. The agricultural representative is required to provide the County Council with a statement of the work carried on in the county during the preceding year and also account for the sum of money spent.

THE AGRICULTURAL RESEARCH INSTITUTE OF ONTARIO ACT, R.S.O. 1970, c. 14.

Administered by the Ministry of Agriculture and Food.

Provides for the appointment of a group of persons to be known as the Research Institute, with the responsibility of research in all matters having to do with agriculture.

The Agricultural Research Institute of Ontario is continued as a body corporate responsible to the Minister. Property conveyed, devised, or bequeathed for purposes of research to, or to any person in trust for, any institution of the Ministry of Agriculture and Food that is engaged in research, is vested in the Research Institute, subject to any trust affecting the same. Monies received by the Research Institute must be held in trust by the Director of Research and be allocated for programs of research in accordance with the terms, if any, of the gift, grant, donation or bequest. The duties of the Director of Research and the Comptroller and the power of the Institute to acquire patents, etc, are set forth.

(Agricultural Societies, Professions and Education)

THE AGRICULTURAL SOCIETIES ACT, R.S.O. 1970, c. 15. Amendments: S.O. 1971, c. 50; 1974, c. 46.

Administered by the Ministry of Agriculture and Food.

Provides for the formation and regulation of agricultural societies for the purposes of study, holding fairs, exhibitions, public meetings and horse-racing meets, and other related activities.

The objects of a society are to advance agriculture, domestic industry and rural life by (a) doing such acts as may assist in solving the rural economic and social problems of the district; (b) organizing and holding agricultural exhibitions; (c) holding public meetings and demonstrations for the purpose of discussing agricultural problems; (d) taking action to eradicate poisonous and noxious insects, weeds, animal parasites and diseases; (e) encouraging and promoting reforestation and rural beautification and exterior farm and homestead improvements; (f) encouraging young people to become interested in and adopt better agricultural and domestic practices; (g) holding races or trials of speed for horses.

Under the 1974 amendment, grants are available for the sponsoring of farm or homestead improvement competitions (up to \$300.00), of light horse events (up to \$500), of amateur programs using local talent (up to \$500) and of other displays or competitions (up to \$200). No society shall in any year receive a grant in excess of \$1,500. The ceilings are removed on grants or loans made by municipal councils to Agricultural Societies.

The Act sets down the mode of organization, the persons entitled to membership, membership fees, meeting procedures, powers and limitations of the board, conditions under which provincial grants are paid, and other guidelines for the organization.

THE HORTICULTURAL SOCIETIES ACT, R.S.O. 1970, c. 207. Amendment: S.O. 1971, c. 50.

Administered by the Ministry of Agriculture and Food.

Provides for the incorporation of societies interested in horticultural pursuits and regulates their procedures.

Horticultural societies are established and operated under this Act. The object of each society is to encourage interest and improvement in horticulture.

The Act specifies where and how societies may be organized, the membership fees and voting rights of members, and the procedures to be followed at annual meetings. The legal requirements regarding dissolution, payment of debts and disposal of surplus monies are outlined. The powers of the Board are described. Authorization is given to pay provincial grants.

(Agricultural Societies, Professions and Education)

THE ONTARIO AGRICULTURAL MUSEUM ACT, R.S.O. 1970 c. 306.

Administered by the Ministry of Agriculture and Food.

Provides for the establishment of an Ontario Agricultural Museum.

The objects of the Museum are to: display and illustrate to the public articles or documents relating to or used in agricultural or horticultural pursuits in Ontario; and to inform and stimulate the interest of the public in matters depicted by the Museum.

The Ontario Agricultural Museum Advisory Board is established and its composition and duties are defined.

The Minister is empowered to enter into agreements for loan of displays and for the use of facilities, and to acquire and dispose of articles or documents.

THE VETERINARIANS ACT, R.S.O. 1970, c. 480.

Incorporates the Ontario Veterinary Association and provides for its direction and management.

The Ontario Veterinary Association is continued as a corporation and every person registered is a member under this Act.

The Act provides for the election of officers, specifies the types of bylaws which the Council of the association may pass and outlines procedure for approval of bylaws. A Board of Examiners is constituted. Eligibility requirements for registration of veterinarians are enumerated. Suspension and cancellation procedures are summarized. The Act also deals with the use of titles such as Veterinary, Veterinarian, Veterinary Surgeon or abbreviations of such, and prohibits the practice of veterinary medicine unless the person concerned is registered with the Association.

VII. CO-OPERATIVES

THE CO-OPERATIVE LOANS ACT, R.S.O. 1970, c. 86. Amendments: S.O. 1971, c. 50; 1972 c. 1.

Administered by the Ministry of Agriculture and Food.

Provides for first mortgage loans of up to \$100,000 to be made to agricultural co-operative associations by the Treasurer of Ontario.

The Co-operative Loans Board of Ontario is continued under this Act. A co-operative corporation of producers of farm products, to which Part 5 of the Corporation Act applies and which was incorporated for

(CO-OPERATIVES)

the purpose of grading, cleaning, packing, storing, drying, processing or marketing farm products, may make a real property loan by applying to the Board. The association must satisfy the Minister that the management and operation of the association will remain in the hands of the producers until the loan is repaid.

The Lieutenant Governor in Council may make a loan to an amount not exceeding fifty percent of the value of the real property on which the loan is to be made, but in no case will a loan be made that would result in a co-operative association's total indebtedness under this Act exceeding \$100,000. Security requirements and loan repayment terms are set out.

The Lieutenant Governor in Council may extend an application under this Act to any corporation to provide cold storage facilities, and to the Ontario Flue Cured Tobacco Growers' Marketing Board. He is empowered to guarantee loans to the co-operative association and may make regulations respecting any matter necessary or advisable to carry out effectively the intent of this Act.

ONTARIO CO-OPERATIVE CORPORATIONS Act 1973, S.O. 1973, c. 101.

Administered by the Minister of Consumer and Communal Relations.

Provides for the incorporation of co-operatives and professional groups, and regulates their procedures.

This Act enables five or more persons or corporations to incorporate a co-operative (including a professional group if not otherwise prohibited). It spells out a procedure for filing articles, the name and location of head office and the powers of a co-operative. It seeks to limit special privileges for directors or employees and to ensure equality for all members in matters of financial concern, e.g. loans and dividends which are called patronage returns. It includes provisions against depletion of capital and limitations on liability of members. It recognizes that some existing co-operatives may not have the requisite board of directors of five members and may not meet the provisions of the new Act in all respects. Appropriate periods of time are allowed for compliance.

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ONTARIO AGRICULTURAL LEGISLATION 1974

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